

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

JERRY KAY LOWE, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 1:18-01207

MCDOWELL FEDERAL CORRECTIONAL  
INSTITUTE, et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER**

By Standing Order, this action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of findings and recommendations regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Aboulhosn submitted to the court his Findings and Recommendation ("PF&R") on January 24, 2019, in which he recommended that the district court deny plaintiff's Application to Proceed Without Payment of Fees and Costs (ECF No. 4), dismiss plaintiff's Complaint and Amended Complaint (ECF Nos. 1 and 7) alleging violations of his constitutional and civil rights under Bivens v. Six Unknown Federal Agents of the Federal Bureau of Narcotics, 403 U.S. 388, 91 S. Ct. 1999, 24 L.Ed.2d 619 (1971) without prejudice, deny as moot plaintiff's Motion for Injunctive Relief (ECF No. 10), and remove this matter from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge Aboulhosn's Findings and Recommendation. The failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

The parties failed to file any objections to the Magistrate Judge's Findings and Recommendation within the seventeen-day period. Having reviewed the Findings and Recommendation filed by Magistrate Judge Aboulhosn, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby **DENIES** plaintiff's Application to Proceed Without Payment of Fees and Costs (ECF No. 4), **DISMISSES** plaintiff's Complaint and Amended Complaint (ECF Nos. 1 and 7) without prejudice, **DENIES as moot** plaintiff's Motion for Injunctive Relief (ECF No. 10), and removes this matter from the court's docket.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to plaintiff pro se and counsel of record.

**IT IS SO ORDERED** this 21st day of March, 2019.

**ENTER:**

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber  
Senior United States District Judge